IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 22364 of 2000

Between:

S.Surendra Reddy, S/o. Dasartharami Reddy,
R/o. Chinacherukuru Village, T.P.Gudur Mandal,
Nellore District.

..... PETITIONER

AND

1 The Chief Engineer (Electricity), A.P.S.P.D.Co.,
Nellore zone, Nellore.
2 The Superintending Engineer (Assessments) A.P.Transco Limited,
Cuddapah, Cuddapah District.
3 The Assistant Divisional Engineer (Operations) A.P.Transco,
Indukurpet Village and Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the order passed by the 1st respondent in Appeal No.160/99 relating to ISC.318 of Narukur distribution, Nellore District communicated to the petitioner along with Lr.No.CEE.N Z/NLR.COMC.A.169/99.854/2K dt. 27.4.2000 served on the petitioner during 1st week of November 2000 confirming the order of the 2nd respondent in his proceedings No.278/99 dt. 31.7.99 is illegal, arbitrary, unjust, violative of principles of natural justice, set aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: Sri N.Subba Reddy, learned Senior counsel for SMT.M.VINOBHA DEVI, S.C. for A.P. Transco.

The Court made the following :

O R D E R :

Heard sri P.Sridhar Reddy, learned counsel for the petitioner and sri N.Subba Reddy, learned senior counsel appearing on behalf of the respondents.

The petitioner, who is running a poultry farm, seeks to assail the impugned orders in regard to assessment made in respect of irregularities found during inspection conducted on 11.09.1998. Though, initially the provisional assessment was made for Rs. 2,20,455/-, but on subsequent final assessment, it is reduced to Rs. 1,06,128/- on 21.07.1999 and the same was confirmed in appeal. The main allegations made against the petitioner are to the effect that the energy meter was not rotating and on further examination, it was found that supply from all the three incoming phase wires is tapped by means of PVC green multi strand copper wires before the meter behind the meter board and connected to 3 Nos. one pin plugs and to cut outgoing point through a switch.

The main submission made by the learned counsel for the petitioner is that the appellate authority did not give any consideration to the plea subsequently raised in regard to change of business and also entering business which is carried on by the petitioner. However, in regard to the main allegations as made against him as extracted above, there is no proper explanation forth coming from the petitioner about tampering of meter, which amply show pilferage of energy. The plea that there is change of business or carrying on other business, could not itself suffice to explain the aforesaid irregularities. In the circumstances, I do not find any merits in any of the pleas raised by the petitioner.

Though it is submitted by the learned counsel for the petitioner that during pendency of the proceedings, the petitioner made substantial payments, however that itself also can not be a ground to show any indulgence in favour of the petitioner. In the circumstances, I do not find any merits in the Writ Petition.

The Writ Petition is, accordingly, dismissed. No costs.

(B.Prakash Rao, J.)

27.01.2005

DRK

Copy to:

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4 Two CD copies.

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